

within the bounds of that authority. Indeed, if the government had manufactured the aircraft itself, it would be immune from suit; that immunity must be extended to Lockheed Martin, which, by virtue of its contractually conferred authority, stepped into the government's shoes.

12. Lockheed Martin also is entitled to federal officer removal under 28 U.S.C. §1442(a) based upon the separate and independent government contractor federal defense. *Boyle v. United Technologies Corp.*, 487 U.S. 500 (1988); *see also Winters*, 149 F.3d at 400. *Boyle* establishes that a government contractor is not liable for injuries caused by design defects in equipment when the contractor builds such equipment according to reasonably precise government-approved design specifications. Here, the government contractor defense is satisfied because the design specifications for the aircraft at issue were government-approved, the aircraft conformed to those specifications, and Lockheed Martin did not fail to warn the government of any dangers known to Lockheed Martin and unknown to the government. The government contractor defense also applies to claims of failure to warn. *See Hagen*, 739 F. Supp. 2d at 783.

III. Procedural Compliance

13. Lockheed Martin satisfies the requirements for removal under 28 U.S.C. §1442(a) and, therefore, is entitled to remove this entire action. Joinder of the other defendants in this action is not necessary to remove under 28 U.S.C. §1442(a). *See Ely Valley Mines, Inc. v. Hartford Acc. & Indem. Co.*, 644 F.2d 1310, 1314-1315 (9th Cir. 1981).

14. Lockheed Martin will give notice of the filing of this Notice as required by 28 U.S.C. §1446(d).

15. In accordance with 28 U.S.C. § 1446(a) and Local Rule 81, Lockheed Martin hereby attaches as **Exhibit 3** a copy of all process, pleadings, and orders served in Dallas County prior removal to the Houston State Asbestos MDL Court and **Exhibit 4** a copy of all process, pleadings, and orders served in the Houston State Asbestos MDL Court.

**John H. Adams and
Lorraine Adams
vs.**

**3M Company f/k/a
Minnesota Mining and
Manufacturing, et al**

Attorneys of Record

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Plaintiffs:					
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Defendants:					
3M Company f/k/a Minnesota Mining and Manufacturing	Kevin B. Brown	Thompson, Coe, Cousins & Irons, LLP 700 North Pearl, 25th Floor Dallas, Texas 75201-2832	214-871-8200	(214) 871-8209	kbrown@thompsoncoe.com
Appleton Grp LLC d/b/a Appleton Group and Emerson Electric Co.	Robert E. Dodson Richard N. Dodson	Dodson & Dodson, LLP 5515 Plaza Drive P O Box 1877 Texarkana, TX 75504	903-794-3121	903-793-4801	bobdodson@dodsondodson.com dickdodson@dodsondodson.com
The Boeing Company d/b/a Boeing Integrated Defense Systems (sued individually and as successor-in-interest to McDonnell Douglas Corporation and as successor-in-interest to De Havilland Aircraft of					
CBS Corporation (f/k/a Viacom, Inc. successor by merger with CBS Corporation f/k/a Westinghouse Electric Corporation) (successor- in-interest BF Sturtevant)	Ryan L. Harrison Brian E. Berger	Paine Bickers LLP 900 S. Capital of Texas Highway Las Cimas IV, Ste. 460 Austin, Texas 78746	512-328-5551	512-328-5556	rlh@painebickers.com beb@painebickers.com
Certainteed Corporation					

Cooper Industries, LLC f/k/a Cooper Industries, Inc. (sued individually and as successor-in- interest to Crouse-Hinds Company)					
Cytec Engineered Materials, Inc. f/k/a Cytec Fiberite, Inc., individually and as successor-in-interest to	Kenneth D. Rhodes	Gray, Reed & McGraw LLP 1300 Post Oak Blvd., Suite 2000 Houston, Texas 77056	(713) 986-7000	(713) 986-7100	krhodes@grayreed.com
Eaton Corporation (sued individually and as successor-in-interest to Eaton Electrical, Inc. and Cutler Hammer, Inc.)					
Emerson Electric Co. (sued individually and as successor-in-interest to Appleton Grp LLC d/b/a Appleton Group)	Robert E. Dodson Richard N. Dodson	Dodson & Dodson, LLP 5515 Plaza Drive P O Box 1877 Texarkana, TX 75504	903-794-3121	903-793-4801	bobdodson@dodsondodson.com dickdodson@dodsondodson.com
General Electric Company					
Guard-Line, Inc.					
Hollingsworth & Vose Company, Inc.					
Lockheed Martin Corporation (sued individually and as successor-in-interest to Lockheed Corporation f/k/a Lockheed Aircraft Corporation)	Joseph L. Hood, Jr.	Windle Hood Norton Brittain & Jay LLP 201 East Main, Ste. 1350 El Paso, Texas 79901	915-545-4900	915-545-4911	hood@windlehood.com
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Occidental Chemical Corporation (sued individually and as successor-in-interest Hooker Chemical and Durez Plastics)	David W. Ledyard Vickie R. Thompson	Strong Pipkin Bissell & Ledyard, LLP 595 Orleans, 14th Floor San Jacinto Building Beaumont, Texas 77701-3255	(409) 981-1000	(409) 981-1010	dledyard@strongpipkin.com vthompson@strongpipkin.com
Plastics Engineering Company					

R.J. Reynolds Tobacco Company (sued individually and as successor-in-interest to Lorillard Tobacco Company, LLC f/k/a Lorillard Tobacco Company f/k/a P. Lorillard Co., a/k/a Lorillard Tobacco	Ricardo G. Cedillo Elizabeth Raines	Davis, Cedillo & Mendoza, Inc. McCombs Plaza, Suite 500 755 E. Mulberry Avenue San Antonio, Texas 78216-6950 HUGHES HUBBARD & REED LLP 2345 Grand, Suite 2000 Kansas City, Missouri 64108	(210) 822-6666 (816) 709-4100		elizabeth.raines@hugheshubbard.com
Rockwell Automation, Inc. (sued individually and as successor-in- interest Allen-Bradley Company, LLC and as successor-in-interest Rostone	Rodney H. Lawson Joshua D. Kipp Debran L. O'Neil	CARRINGTON, COLEMAN, SLOMAN & BLUMENTHAL, L.L.P. 901 Main Street, Suite 5500 Dallas, Texas 75202-3767	214/855-3000	214/855-1333	rlawson@ccsb.com jkipp@ccsb.com doneil@ccsb.com
Rogers Corporation					
Schneider Electric USA, Inc. f/k/a Square D Company	Clifton T. Hutchinson R. Sean Brennan, Jr.	K&L GATES LLP 1717 Main Street Suite 2800 Dallas, Texas 75201-6966 1000 Main Street, Suite 2550 Houston, Texas 77002	214-939-5500 719-815-7300	214-939-5849 713-815-7301	cliff.hutchinson@klgates.com sean.brennan@klgates.com
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